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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 RICHARD SULLIVAN,

No. C 10-01233 JF

12 Plaintiff,

STIPULATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE; ORDER

14 SMURFIT-STONE CONTAINER
15 CORPORATION; PEPSICO, INC.; FRITO-
LAY NORTH AMERICA, INC.; FRITO-
LAY, INC.; and DOES 1-20, inclusive,

Defendants.

19 This case was initially assigned to Magistrate Judge Patricia V. Trumbull, and a Case
20 Management Conference was scheduled for June 22, 2010. The case was reassigned to Judge Jeremy
21 Fogel, and the Case Management Conference was rescheduled to June 25, 2010, due to the
22 reassignment. The Order Setting Initial Case Management Conference and ADR Deadlines also set
23 June 15, 2010, as the last day to file the Rule 26(f) Report, complete initial disclosures, and file the
24 Case Management Statement. The June 15 deadline for these matters was not changed when the case
25 was reassigned to Judge Fogel.

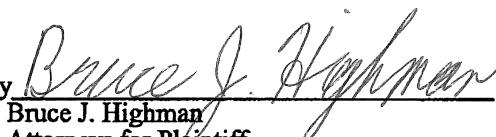
26 The parties hereto, by and through their attorneys, hereby stipulate that the date of the Case
27 Management Conference in the above-entitled case shall be continued from June 25, 2010, to July
28 30, 2010, at 10:30 a.m. in Courtroom #3 on the 5th floor of the U.S. Courthouse, 280 South First

1 Street, San Jose, California. The Order Setting Initial Case Management Conference and ADR
2 Deadlines states at the end: "If the Initial Case Management Conference is continued, the other
3 deadlines are continued accordingly." Therefore, the last day to file the Rule 26(f) Report, complete
4 initial disclosures, and file the Case Management Statement is continued from June 15, 2010, to July
5 20, 2010.

6 The reason for this continuance is as follows. The parties are going to private mediation with
7 mediator Barry Winograd on June 21, 2010. The continuance from June 25 to July 30 of the Case
8 Management Conference and from June 15 to July 20 of the deadline for the Rule 26(f) report, the
9 initial disclosures, and the Case Management Statement will allow the parties to avoid attorneys'
10 fees and time in regard to these matters if they are able to settle at the June 21 mediation.

11 DATED: June 11, 2010

12 HIGHMAN, HIGHMAN & BALL
13 A PROFESSIONAL LAW ASSOCIATION

14 By 
15 Bruce J. Highman
16 Attorneys for Plaintiff

17 DATED: June 11, 2010

18 CONSTANGY BROOKS & SMITH, LLP

19 By 
20 Laura S. Withrow
21 Oscar E. Rivas
22 Attorneys for Defendant Smurfit-Stone
23 Container Corporation

24 DATED: June 11, 2010

25 Villarreal Hutner PC

26 By 
27 Lara Villarreal Hutner
28 Jessica N. Leal
Attorneys for Defendants PepsiCo, Inc.,
Frito-Lay North America, Inc., and
Frito-Lay, Inc.

ORDER

So ordered.

DATED: June 15, 2010

Honorable Jeremy W. Fisher
U.S. District Court Judge